



**ADMINISTRATIVE PROCEDURES**  
**Manual of Policies and Procedures**

Title

**THE ESTABLISHMENT, IMPLEMENTATION AND REVIEW OF  
AN AFFIRMATIVE ACTION PROGRAM**

Legal References (includes but is not limited to)	Related Policies/Procedures (includes but is not limited to)	Other References (includes but is not limited to)
IC 4-15-12-1 <i>et seq.</i> IC 11-8-2-5(a)(8) IC 11-8-2-8	04-03-101 04-03-103	ACA: ACI: 3-4053, 3-4053-1 JTS: 1C-07-2 CO: 2-CO-1C-01, 2-CO-1C-09, 2-CO-1C-11, 2-CO-1C-12

I. DEFINITIONS:

For the purpose of these administrative procedures, the following definitions are presented:

- A. Accessibility: The freedom of a physically or mentally impaired person to approach, enter, use or participate in an organization's programs, benefits, services, activities and employment opportunities.
- B. Adverse impact: A substantially different rate of selection in hiring, promotion, transfer, training and in other employment decisions that works to the disadvantage of a race, ethnic or gender group. The rate is usually less than 80 percent of the selection rate of the race, ethnic or gender group with the highest rate of selection. Adverse impact focuses on the consequences of employment practices and as such, an aggrieved party needs only to establish that an employment practice has the effect of excluding a significant proportion of women or members of minority groups.
- C. Affected class: Members of a group who, by virtue of past discrimination, continues to suffer the present effect of that discrimination (i.e. minorities, women, persons over 40, and persons with disabilities).
- D. Affirmative Action: Specific actions taken by an employer to eliminate the effects of past discrimination with regard to recruiting, hiring, promoting and training.
- E. Affirmative Action Advisory Committee: The committee which assists the facility's Affirmative Action Coordinator in providing awareness and leadership throughout the facility concerning Affirmative Action goals and

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plans.

- F. Affirmative Action Central Office Advisory Committee: The committee which assists the Department's Affirmative Action Program Director and Regional Affirmative Action Coordinators in coordinating the Affirmative Action efforts at Central Office; implementing the Affirmative Action Plan, goals, to serve as support staff and identify possible areas of discrimination within Central Office.
- G. Affirmative Action Complaint / Charge of Discrimination (hereinafter, Complaint): A statement alleging violations of any area covered under Title VII filed with the agency's Affirmative Action Division.
- H. Affirmative Action Offender Compliance Coordinator (hereinafter, Offender Compliance Coordinator): The staff person who addresses offender Title VII issues.
- I. Affirmative Action Plan (hereinafter, Plan): A written document conforming to certain government regulations in which an employer conducts an analysis of its workforce and ascertains whether, and the extent of which, members of protected groups are underutilized in specific job groups. In those areas where problems are identified, the employer must set goals and timetables to eliminate the under-utilization.
- J. Affirmative Action Program: A generic name referring to the entire organizational Affirmative Action effort.
- K. Affirmative Action Program Director (hereinafter, Program Director): The person appointed by the Commissioner to be responsible for the total Affirmative Action effort of the Department.
- L. Affirmative Action Regional Coordinators (hereinafter, Regional Coordinators): The staff persons who assist the Program Director in implementing and managing various aspects of the state's Affirmative Action Program.
- M. Affirmative Action Statistical Report: The information developed at a facility, which summarizes Affirmative Action activities (such as New Hires, Promotional Data, Transfer Data, Demotions, Terminations, Resignations, Retirements, and Pre-Deprivation Hearings) for the month, quarter, and past year. This information is to be included in the facility's Affirmative Action Plan.
- N. African American: A person with origins in any of the black racial groups

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of Africa that are not of Hispanic origin.

- O. American Indian or Alaska Native: A person with origins in any of the original people of North America who maintain cultural identification through tribal affiliation or community recognition.
- P. Americans with Disability Act (hereinafter, ADA): The federal act which prohibits discrimination against qualified individuals with disabilities in employment and includes specific features related to reasonable accommodation, qualification standards, and other labor management issues.
- Q. Applicant: A person who files a formal application, or in some formal way, indicates a specific desire to be considered for employment. Persons making informal inquiries about the agency or about employment in general are not considered to be an applicant.
- R. Appointing Authority: The head of a department, division, board or commission who has the power by law or by lawfully delegated authority to make appointments to positions in state service.
- S. Asian/Pacific Islander: A person with origins in any of the original peoples of the Far East, Southern Asia, the Indian subcontinent or the Pacific Islands. This area includes for example: China, Japan, Korea, the Philippine Republic, Samoa and India.
- T. Criteria: Quantitative measures of job performance or success as indicated in supervisor's ratings or training grades.
- U. Disabled individual: Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment. An impairment is considered "substantially limiting" if it is likely to cause difficulty in securing, retaining, or advancing in employment.
- V. Disabled veteran: Any veteran who is entitled to compensation under laws administered by the Veterans Administration or a person who was discharged or released from active duty due to a service connected disability.
- W. Discrimination: An act having an unjustifiable adverse effect on one or more persons because of race, color, religion, gender, national origin, conviction, age, disability, veteran status or Viet Nam Era Veteran.

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Sexual harassment is considered a form of discrimination.

- X. Disparate impact: Applies to specific employment practices such as testing or other selection procedures which, although applied neutrally, impact on an affected class which are determined through statistical analysis.
- Y. Disparate treatment: Employment practices such as the use of tests or educational requirements which are neutral on their face but are applied or administered in a manner that has an adverse impact on a protected class; such as discrimination by which an employer treats women or members of a minority group differently.
- Z. Equal employment opportunity: An employment environment/posture in which all decisions are conducted in a manner that assures equal treatment. An organizational policy of administering all terms, conditions and decisions based solely on an individual's merit and fitness for the job without regard to race, color, religion, gender, national origin, conviction, age, disability, veteran status or Vietnam Era Veteran.
- AA. Equal Employment Opportunity Commission (EEOC): The commission created with an obligation to provide information, education and technical assistance to help employers and other covered entities understand and comply with legal requirements.
- BB. Facility Affirmative Action Plan: The information developed at a facility which summarizes affirmative action activities and statistical data for the past year and presents information to be included in the facility's Affirmative Action Plan.
- CC. Facility Affirmative Action Coordinator: (Facility Coordinator): The staff member (Pat IV or above) appointed by the Facility Head in conjunction with the Program Director to perform those Affirmative Action functions delegated by the Facility Head and the Affirmative Action Division and who serves as chair of the Facility Affirmative Action Advisory Committee.
- DD. Hispanic: A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- EE. Job description: A written statement detailing the essential and non-essential functions associated with a particular position title.
- FF. Job group: An aggregation of similar job classifications for purposes of

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analysis or official reporting (e.g. office/clerical).

- GG. Job qualifications: The requirements that are realistically related to the actual duties of the job such as: educational background, prior work experiences, necessary skills and abilities and any other requirements an applicant must possess in order to receive employment or promotional consideration for a particular position.
- HH. Labor force: All working people, plus those unemployed who are actively seeking employment, considered as a group in the geographic area from which an employer would recruit.
- II. Minorities: All persons classified as African-American, Hispanic, Asian/Pacific Islander, American Indian or Alaskan Native.
- JJ. Older worker: Those persons over 40 years of age.
- KK. Predictors: Selection measures such as tests, licenses, interviews, etc.
- LL. Protected class: Minorities, women, persons over 40, persons with disabilities, convictions, veteran status and Vietnam Era Veteran, whose rights are protected by Equal Employment Opportunity/Civil Rights legislation.
- MM. Protected class member: Any person who by virtue of his or her race, color, religion, gender, national origin, conviction, age, disability, veteran status or Vietnam Era Veteran, is protected by anti-discrimination laws. Typically protected class members are: African-Americans, Hispanics, Asian/Pacific Islanders, American Indians, Alaskan Natives, women, people with disabilities, disabled veterans, Vietnam Era Veterans and persons over the age of 40.
- NN. Racial (ethnic) minority: Any person considered to be or who identifies him/herself as African-American, Hispanic, Asian/Pacific Islander, American Indian or Alaskan Native.
- OO. Reasonable accommodation: Any alterations, adjustments, or changes in the job and/or workplace to enable an otherwise qualified disabled individual, or disabled veteran to participate or to perform a particular job successfully, as determined on a case-by-case basis and individual circumstances. The term also refers to adjustments made by an employer to accommodate an employee whose religious beliefs forbid working on certain days or hours.

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PP. Sexual Harassment: An incident in which a person uses his or her position to control, influence, or affect the career, salary or job of an employee or prospective employee in exchange for sexual favors. Sexual harassment also includes: sexual innuendos, unwanted pressure for dates, inappropriate remarks about another person's clothing, body or sex life, unnecessary touching, patting or pinching, leering or ogling, demanding sexual favors accompanied by implied or overt threats concerning one's job and/or terms and conditions of employment. Unwelcome sexual advances, such as request for sexual favors and other verbal or physical contact of a sexual nature, constitute sexual harassment when:

1. Submission to such conduct is made explicitly or implicitly, a term or condition of an individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual; or,
3. Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive working or learning environment.

QQ. Systemic discrimination: Employment policies and practices which though often neutral on their face, serve to differentiate or to perpetuate a differentiation in the treatment of certain applicants or employees because of their race, color, religion, gender, national origin, conviction, age, disability, veteran status or Vietnam Era Veteran. Systemic discrimination normally relates to a recurring practice rather than to an isolated act of discrimination and may include failure to remedy the continuing efforts of past discrimination. Intent to discriminate may or may not be involved.

RR. Title VII of the Civil Rights Act of 1964 (as amended in 1991): Prohibits discrimination by employers, employment agencies and labor organizations on the basis of race, color, religion, sex (including sexual harassment), pregnancy, or national origin. It applies to hiring, discharge, compensation, promotion, classification, training, apprenticeships, referrals for employment, union membership and other terms, conditions and privileges of employment.

SS. Underutilization: When the minority/female population representation in a job category/group or job classification is less than the established norm or less than would reasonably be expected by their availability in the labor

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market.

- TT. Upward mobility: The ability of an employee to progress to positions of increased responsibilities through a program of training and through career development procedures and programs.
- UU. Veteran status: Any individual claiming preference as a war time veteran or veteran of the armed services.
- VV. Vietnam Era Veteran: An individual who served in the military during the Vietnam Era.
- WW. White: A person with origins in any of the original people of Europe, North Africa or the Middle East. Not of Hispanic origin.

II. DEPARTMENT OF CORRECTION'S COMMITMENT TO AFFIRMATIVE ACTION:

The Department shall establish and implement an Affirmative Action Program which ensures that employment, training, and promotions for all individuals are considered without regard to race, color, religion, gender, national origin, conviction, age, disability, veteran or Vietnam Era Veteran status. Sexual harassment is also prohibited. In addition, the Department is committed to providing reasonable accommodations to persons with disabilities.

As a Department, the ethical and statutory responsibility to afford equal treatment and equal opportunity to all persons is acknowledged. The Department affirms its policy of promoting non-discrimination and equality of opportunity through affirmative action.

The Department has recognized the need for an aggressive affirmative action program. Therefore, the Department's equal opportunity goal has been to utilize minorities, women and persons with disabilities at all levels and to maintain a work environment free of discrimination.

Retaliation against any employee, applicant, or offender who files a complaint of discrimination against the Department or agency staff member(s) is prohibited.

All employees shall abide by the requirements set forth herein. Executive Staff members, Facility Heads and Division Directors are charged with the additional responsibility of providing leadership in affirmative action matters and shall direct the compliance efforts of all units under their authority. Administrators, Managers and Supervisors must recognize their explicit responsibility for carrying

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out the spirit and intent of the program among the employees they supervise. Each shall adhere to the agency's Affirmative Action Program and shall continue to exert the efforts necessary to correct the underutilization of minorities and women in all levels of employment and to maintain a discrimination free work environment. Failure to comply with the Affirmative Action Program shall not be tolerated and shall be documented in performance evaluations, as well as other personnel actions as determined by the Commissioner. In addition, compliance with these administrative procedures is required for those who conduct business or enter into a contractual agreement with the Department.

It is imperative that all current and prospective employees know:

- The Department is committed to affirmative action and its implementation; and,
- The Department will not tolerate any discriminatory practices within its jurisdiction.

A thorough understanding of the Department's commitment makes for a more cohesive work environment.

**III. INTERNAL AND EXTERNAL DISSEMINATION PROCEDURES:**

The Department shall disseminate affirmative action information to all employees, as well as outside groups. Alternative dissemination should not conflict with established State policy or procedures.

**A. INTERNAL:**

1. Supervisory personnel shall be informed by:
  - a. Written communication from the Commissioner, Director of Affirmative Action, Recruitment Program Director, Division of Human Resources Director, facility Appointing Authority, Human Resources Personnel, and/or the facility Coordinator; and,
  - b. Affirmative Action Advisory Committee meetings held regularly to review and discuss the program, individual responsibilities and progress.
2. All supervisory personnel shall be informed that full cooperation



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shall be given to the Affirmative Action Program.

3. Educational materials, training and awareness sessions to communicate legal requirements for affirmative action shall outline the responsibilities affecting the operations of each supervisor.
4. All employees shall be informed of the State of Indiana and the Department's policy on Equal Employment Opportunity and Affirmative Action through:
  - a. Presentation and discussion of the program for all new hires during the initial orientation presented by the Human Resource Officer and/or Affirmative Action Coordinator. Such sessions will serve to: communicate to employees the seriousness of the agency's commitment, explain program goals, and clarify any misunderstandings by employees. Veteran staff will be informed of their responsibility to adhere strictly to non-discriminatory practices in relation to other employees and the public.
  - b. Posting of AA/EEO policies on agency bulletin boards, dissemination of the Affirmative Action Plan in addition to identifying facility Coordinator and Affirmative Action Advisory Committee members.
  - c. Pertinent elements of the Affirmative Action Program will be communicated to employees.

**B. EXTERNAL:**

1. The Department's Affirmative Action Program for equal opportunity shall be disseminated as follows:
  - a. Recruiting sources shall be informed, in writing, by the Director of Recruitment, that the Department is an equal employment opportunity employer.
  - b. Written and/or personal contacts shall be made with minority and women's organizations, community job fairs, agencies and leaders, news media, high schools, colleges and universities, military bases and employment and training programs.

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- c. The facility Coordinator and Human Resources Officer shall disseminate employment information, seek and counsel prospective protected group applicants, provide information on the Affirmative Action Program, and in general, assure that every possible contact is made to assist the Affirmative Action Program. They shall keep the Program Director, Regional Coordinators, Recruitment Program Director, and Director of Human Resources in the Central Office aware of all their efforts.

IV. RESPONSIBILITIES OF THE DEPARTMENT AFFIRMATIVE ACTION PROGRAM DIRECTOR:

The Program Director has the responsibility of ensuring that all necessary action is taken by all levels of management to achieve the equal employment opportunity objectives. These responsibilities include, but are not limited to:

- A. Monitor all Title VII, ADA, all areas of non-discrimination programs and policy statements; recommend policies and procedures to execute the programs; ensure that all technical or procedural phases of compliance are met;
- B. Ensure policies and procedures regarding Equal Employment Opportunity are communicated to all levels within the organization;
- C. Monitor plan implementation through audit and reporting systems to ensure effectiveness and review results with management as well as keeping management informed of the developments in the Title VII area;
- D. Ensure that hiring, promotion, and salary administration practices are fair and consistent with policy;
- E. Identify problem areas and establish programs to aid in problem solving;
- F. Serve as liaison between the Department and State Personnel Department, as well as liaison between this agency, compliance agencies and relevant community organizations;
- G. Coordinate affirmative action efforts for the entire Department;
- H. Prepare the annual Central Office Affirmative Action Plan;
- I. Coordinate Department-wide staff awareness sessions concerning

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affirmative action issues;

- J. Develop specific training for members of the Central Office Affirmative Action Advisory Committee, to include, at a minimum:
    - 1. Basic relevant Federal and State laws; and
    - 2. Affirmative Action Policy and Procedures for the Department.
  - K. Instruct and supervise the Southern and Northern Affirmative Action Regional Coordinators, the Affirmative Action Offender Compliance Coordinator, and the Affirmative Action Secretary.
- V. RESPONSIBILITIES OF THE AFFIRMATIVE ACTION REGIONAL COORDINATORS:

The Regional Coordinators assist the Program Director in implementing and managing various aspects of the Department's Affirmative Action Program. They perform duties with a degree of independence, reporting directly to the Program Director. These duties include, but are not limited to:

- A. Assist and/or conduct investigations of Title VII, ADA and all areas of EEO complaints;
- B. Serve as consultants on matters related to Title VII, ADA and all areas of EEO complaints;
- C. Maintain tracking of all complaints, follow-up with facilities and other agencies on outstanding issues;
- D. Assist in organizing, developing and conducting awareness sessions on Title VII – discrimination based on race, color, religion, gender, national origin, ancestry, conviction, age, disability, veteran status, Vietnam Era Veteran, hostile work environment, sexual harassment, and ADA;
- E. Perform regular audits of facilities concerning compliance to Title VII, ADA and all areas of non-discrimination policies;
- F. Review all related reports;
- G. Prepare the Central Office Affirmative Action Plan;
- H. Assist and review facility Affirmative Action Plans; and,

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- I. Attend Central Office and Facility Affirmative Action Advisory Committee meetings.

The facilities are divided as follows:

**Northern Region**

Camp Summit Boot Camp  
Chain O'Lakes Correctional Facility  
Fort Wayne Juvenile Correctional Facility  
Fort Wayne Parole District #2  
Gary Parole District #6  
Indiana State Prison  
Lakeside Correctional Facility  
Logansport Juvenile Correctional Facility  
Maximum Control Facility  
Medaryville Correctional Facility  
Miami Correctional Facility  
North Central Juvenile Corr. Facility  
Northeast Juvenile Correctional Facility  
South Bend Juvenile Correctional Facility  
South Bend Work Release Center  
South Bend Parole District #8  
Westville Correctional Facility

**Southern Region**

Atterbury Correctional Facility  
Bloomington Juvenile Corr. Facility  
Branchville Correctional Facility  
Columbus Parole District #5  
Correctional Industrial Facility  
Correctional Training Institution  
Edinburgh Correctional Facility  
Evansville Parole District #4A  
Henryville Correctional Facility  
Indiana Women's Prison  
Indianapolis Juvenile Corr. Facility  
Indianapolis Men's Work Release  
Indianapolis Parole District #3  
Indianapolis Women's Work Rel.  
Madison Correctional Facility  
New Castle Correctional Facility  
New Castle Parole District #7  
PEN Products  
Pendleton Correctional Facility  
Pendleton Juvenile Corr. Facility  
Plainfield Correctional Facility  
Plainfield Juvenile Corr. Facility  
Putnamville Correctional Facility  
Reception Diagnostic Center  
Rockville Correctional Facility  
Terre Haute Parole District #4B  
Wabash Valley Correctional Facility

VI. **RESPONSIBILITIES OF AFFIRMATIVE ACTION OFFENDER  
COMPLIANCE COORDINATOR:**

The Offender Compliance Coordinator assists the Program Director and the Regional Coordinators in implementing and managing various aspects of the Department's Affirmative Action Program at the facilities. The Offender Compliance Coordinator performs duties with a degree of independence,

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reporting to the Program Director and the Regional Coordinators. These duties include, but are not limited to:

- A. Conduct investigations of offender Title VII complaints and respond to correspondence from offenders;
- B. Serve as consultant to relevant staff on matters related to the offenders' and the public's complaints;
- C. Maintain tracking of all offender complaints, follow-up with facilities, and/or relevant staff;
- D. Assist in organizing, developing, and conducting awareness sessions on Title VII, ADA, and all areas of non-discrimination as related to offenders;
- E. Perform regular audits of facilities concerning compliance to Title VII, ADA, and all areas of non-discrimination policies as related to offenders;
- F. Review all reports and weekly outstanding offender complaints.
- G. Submit yearly report on Title VII issues submitted by offenders.
- H. Assist in preparing the Central Office Affirmative Action Plan;
- I. Attend Central Office and Facility Affirmative Action Advisory Committee meetings.

**VII. RESPONSIBILITIES OF FACILITY HEAD:**

The Facility Head is responsible for ensuring compliance with: Departmental Affirmative Action Plans and Policies; federal/state laws and regulations which have been enacted to ensure the elimination of underutilization of qualified members of affected classes; and, the elimination of discrimination. In order to ensure compliance, the Facility Head may delegate duties as necessary.

These responsibilities shall include:

- A. Ensure the proper and timely preparation of all required Affirmative Action Reports, including the annual Affirmative Action Plan or Affirmative Action Policy Statement, the annual Complaint Activity Report, the quarterly report, and the monthly statistical report;
- B. Implementation and coordination of facility awareness programs

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concerning affirmative action issues.

Responsibilities belonging solely to the Facility Head include:

- A. Appoint one staff member to serve as the Affirmative Action Coordinator for the facility;
- B. Detail, in writing, those affirmative action responsibilities delegated to the facility Coordinator and ensure they are filed in their respective personnel packets and with the Program Director;
- C. Complete and initial the rating on the facility Coordinator's performance appraisal that reads, "Serve as Affirmative Action Coordinator";
- D. Review the delegation of affirmative action responsibilities annually and at the time a new coordinator is appointed; and,
- E. Review and approve the annual Affirmative Action Plan before forwarding to the Program Director.

**VIII. RESPONSIBILITIES OF HUMAN RESOURCE DIRECTOR:**

The Director of Human Resources or designee within the Department shall maintain the data necessary to monitor the Affirmative Action Program. This information shall include, but is not limited to: applicant tracking data, offers of employment, new hires, promotions, transfers, demotions, training program participation, terminations, lay-offs, and recalls.

**IX. APPOINTMENT OF FACILITY AFFIRMATIVE ACTION COORDINATOR:**

The Facility Head shall appoint, in consultation with the Affirmative Action Program Director and Affirmative Action Regional Coordinators, one (1) staff member to serve as the Affirmative Action Coordinator. The staff person appointed to this position shall be at the PAT IV level or higher and a full-time staff person. This staff person shall serve as the coordinator in addition to other regularly assigned job duties. This appointment shall remain in effect until rescinded by the Facility Head and notification of the Program Director. The facility Coordinator shall be responsible for the following:

- A. Ensure the policies regarding Equal Employment Opportunity are communicated to all levels within the facility;
- B. Monitor plan implementation through audit and reporting systems to

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ensure effectiveness, review results with management as well as keeping management informed of the developments in the Title VII area;

- C. Ensure that hiring, promotion and salary administration practices are fair and consistent with these procedures and the Department/facility plan;
- D. Identify problem areas and establish programs to aid in problem solving;
- E. Serve as liaison between the facility and Central Office Affirmative Action Division;
- F. Receive, monitor, evaluate and investigate alleged Title VII violations. When applicable prepare investigative summary, communicate status of investigation(s) with Regional Coordinator, prepare and distribute closure and disciplinary letters with copies sent to Regional Coordinator;
- G. Prepare facility annual Affirmative Action Plan;
- H. Chair the facility Affirmative Action Advisory Committee, and;
- I. Maintain ADA medical records, which are separated from personnel files.

The Facility Head shall ensure that the facility Coordinator has adequate time available to complete all assigned affirmative action duties.

The facility Coordinator shall request, in writing, the amount of time necessary to complete related duties on a case-by-case basis. When affirmative action duties become substantial, the facility Coordinator shall request from the Facility Head the needed additional time. The facility Coordinator shall have listed as an Area of Responsibility on the Employee Performance Appraisal Form, "Serve as Affirmative Action Coordinator". This Area of Responsibility shall be completed and initialed by the Facility Head.

The facility Coordinator shall be able to relate and communicate with all levels of staff and be sensitive to the needs of all groups of people. The facility Coordinator is to have access to all records and areas of the facility and is to report directly to the Facility Head on matters relating to Title VII, ADA, EEOC and all areas of non-discrimination.

**X. ESTABLISHMENT AND RESPONSIBILITIES OF THE FACILITY**

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AFFIRMATIVE ACTION ADVISORY COMMITTEE:

In addition to the facility Coordinator, the Facility Head, with the Affirmative Action Coordinator's suggestion or recommendation, shall appoint minimally two (2), but no more than eight (8), staff persons to serve as members of the facility Affirmative Action Advisory Committee. Appointments to the Committee are to be made from a broad cross section of the staff with representation from management and "line" classifications. Committee members should serve on the Committee at least two years, with staggered intervals.

The facility Coordinator shall serve as the chairperson of this committee. The Regional Coordinator shall serve as an ex-officio member of the committee.

The responsibility of the facility Affirmative Action Advisory Committee includes:

- A. Coordinate the affirmative action efforts at the facility;
- B. Determine the plan of action to implement goals at the facility level;
- C. Serve as support staff for special facility affirmative action projects; and,
- D. Identify possible areas of discrimination within the facility and recommend means of resolving problems identified.

The facility Affirmative Action Advisory Committee shall meet minimally once per quarter, however, monthly meetings are recommended. Minutes of all committee meetings shall be maintained by the facility Coordinator and a copy submitted to the Regional Coordinator.

Due to the limited number of staff, smaller facilities (e.g. Work Release Centers, Level 1 facilities, small Juvenile facilities and Parole Offices) shall not be required to establish an Affirmative Action Advisory Committee. The Facility Head or designee shall assume the responsibilities of the Affirmative Action Coordinator and shall conduct the Affirmative Action Program.

**XI. ESTABLISHMENT AND RESPONSIBILITIES OF THE CENTRAL OFFICE  
AFFIRMATIVE ACTION ADVISORY COMMITTEE:**

The Central Office Affirmative Action Advisory Committee shall consist of no less than three (3), but no more than six (6) staff persons. Appointments to this committee shall be made by the Commissioner with input from the Affirmative Action Director from a broad cross section of the staff with representation from



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management and support staff. Appointment terms are for at least two (2) years with staggered intervals.

This committee shall meet at least quarterly in Central Office at locations determined by the committee's Chairperson. The Chairperson shall appoint a secretary.

The Program Director and Regional Coordinators shall serve as ex-officio of this committee.

The responsibilities of the Central Office Affirmative Action Advisory Committee are to:

- A. Provide input to the Program Director in the development and implementation of affirmative action goals;
- B. Serve as liaison to the Program Director with respect to problems and suggestions concerning the Affirmative Action Program; and,
- C. Plan special projects as related to affirmative action.

**XII. ESTABLISHMENT OF AN AFFIRMATIVE ACTION PLAN:**

An Affirmative Action Plan is an integral component of an Affirmative Action Program and an effective personnel management tool. The purpose of the Affirmative Action Plan is to implement the Department's Affirmative Action policy.

The Regional Coordinators shall prepare an annual Plan for the Department. This Plan shall cover the period of October 1 to the following September 30. The annual Plan shall be based upon the criteria and guidelines established by the State Personnel Department.

The facility Coordinators shall prepare an annual Affirmative Action Plan for their respective facilities, with statistical information provided by State Personnel Department.

The format of this plan shall be determined by the State Personnel Department, to include the required quarterly monitoring reports. The content of this Plan shall be based on the specific need(s) of the facility. The Department's Program Director along with the Regional Coordinators shall review the Plans submitted by the facilities to ensure that the Plans are complete and accurate.

**XIII. REVIEW OF THE AFFIRMATIVE ACTION PROGRAM AND SUBMISSION**

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OF QUARTERLY REPORTS:

The Program Director shall receive a monthly statistical report and a quarterly monitoring report from each facility concerning the status of the Affirmative Action Program.

Due dates and format for the monthly statistical reports are to be designated by the Program Director.

The Program Director shall review the facilities quarterly reports to measure the Department's progress toward the goals established in the annual Plan. Notification concerning deficiencies or problems with implementation of the Plan shall be coordinated with the Facility Heads, Regional Coordinators and facility Coordinators.

A Departmental annual report shall be prepared by the Program Director to include, at a minimum:

- A. Progress of the Department toward fulfillment of annual goals;
- B. Deficiencies or problems within the Department and corrective measures to be pursued;
- C. Projected needs and concerns; and,
- D. Current concerns, cases, issues, etc.

This report shall be prepared for submission to the Commissioner with copies distributed to the Deputy Commissioner and Division Directors.

**XIV. INITIATION OF AN AFFIRMATIVE ACTION COMPLAINT:**

The Affirmative Action Division shall provide technical assistance to any facility upon request or as required to meet the objectives of the Plan and to assist in investigations. In addition, the progress of each facility will be reviewed quarterly. When necessary, recommendations shall be made to the Commissioner regarding intervention measures which should be taken in order to facilitate progress or achieve compliance.

The Affirmative Action Division has jurisdiction over complaints initiated by employees and applicants for employment alleging discrimination based on race, color, religion, gender, national origin, ancestry, conviction, age, disability, veteran status, Vietnam Era Veterans and/or Violations of Title VII and the

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Department's Affirmative Action Policy Statement.

Complaints are received by the Program Director, Regional Coordinators, Offender Compliance Coordinator, Facility Coordinators, Human Resource Officers or Internal Affairs Investigators. A complaint form is filled out and signed by the complaining party, (offenders will use the grievance form and/or letter) wherein information which details specific charges of discrimination is provided. Employees of the Department, offenders, as well as persons applying for employment with the Department may file a complaint of discrimination at any facility or the Affirmative Action Division. Staff complaints alleging discrimination can be received by walk-in or telephone.

Basis of complaint – hostile work environment, sexual harassment, race, color, religion, gender, national origin, conviction, age, disability, veteran status, Vietnam Era Veteran and/or Violation of the Department's Affirmative Action Plan.

Issue - failure to hire, train or promote, termination, discipline, assignments, harassment or retaliation.

Complainant - person(s) filing complaint of alleged discrimination.

Respondent - person(s) responsible for alleged discrimination.

**Complaints may be discussed and/or filed by contacting the Program Director, Regional Affirmative Action Coordinators, and/or Offender Compliance Coordinator at:**

Indiana Department of Correction  
Indiana Government Center South  
302 W. Washington Street, Room E327  
Indianapolis, IN 46204  
(317) 233-5541

Any staff member, volunteer, or visitor may file a complaint. Staff, volunteer, or visitor complaints are to be filed on State Form 48607, REPORT OF COMPLAINT; additional documents may be signed by complainant and respondent. In the event the complainant names the facility Coordinator as the respondent, the complainant can contact the Regional Coordinator, Program Director or State Personnel Department. If the complainant names the Facility Head as the respondent, the complainant can contact the Regional Coordinator, Program Director or State Personnel Department. All complaints received by the facility Coordinator are to be reviewed to verify the issue is an act of

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discrimination. If the issue is deemed not to be of an affirmative action nature, it is to be returned to the complainant with a letter of explanation. It is the responsibility of the facility Coordinator to maintain a log of all affirmative action complaints received and their disposition.

**XV. INVESTIGATION OF AN AFFIRMATIVE ACTION COMPLAINT:**

The facility Coordinator shall meet with the person lodging the complaint. The facility Coordinator shall explain the complaint process. The role of the facility Coordinator is to ensure correct information is given concerning the complaint process and to help determine whether the complaint is related to an affirmative action issue. However, the facility Coordinator shall serve as a fact finding investigator and not as legal counsel.

The facility Coordinator is to notify the Facility Head of all complaints upon receipt. Following this notification it is the responsibility of the facility Coordinator to notify the appropriate Regional Coordinator. The Regional Coordinator shall instruct the facility Coordinator whether or not to proceed with an investigation. During the investigation, the facility Coordinator is to contact any and/or all witnesses or persons having knowledge of the circumstances of the complaint. The facility Coordinator shall have complete access to all records and staff necessary to complete the investigation. The facility Coordinator shall also have access to any area of the facility necessary to complete the investigation. The initial investigation by the facility Coordinator shall be completed within thirty (30) days of the receipt of the written complaint. A written report detailing the results of the investigation is to be prepared and submitted to the Facility Head and the Regional Coordinator. In cases where the investigation cannot be completed within the thirty (30) day period, the facility Coordinator shall request an extension explaining the reason for the delay, including what steps are being taken to reach a conclusion, to the Facility Head and Regional Coordinator.

Upon receipt of the written investigative results and concurrence by Affirmative Action Division and/or State Personnel Department, the Facility Head shall determine appropriate actions. The Facility Head or designee shall then prepare a written response detailing the actions that will be taken to resolve the complaint. A copy of the response is to be sent to the Regional Coordinator, along with copies of any disciplinary action. Copies of closure letters will be sent to the Regional Coordinator by the facility Coordinator.

**XVI. INITIATION OF OFFENDER AFFIRMATIVE ACTION COMPLAINT:**

An offender Affirmative Action complaint is based on an issue of discrimination because of race, color, religion, gender, national origin, age, disability, veteran

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status, or Vietnam Era Veteran. Offender complaints are to be filed on the State Form 45471, OFFENDER GRIEVANCE REPORT FORM, or in a letter. In this event the Affirmative Action Offender Compliance Coordinator should be contacted.

Complaints can be written out on regular writing paper or grievance form by the offender; written, telephoned or faxed by an offender's friend(s) or family; referred by Adult Operations staff, Offender Relations staff, facility's Affirmative Action Coordinator, and/or facility's Grievance Coordinator.

**XVII. INVESTIGATION OF AN OFFENDER AFFIRMATIVE ACTION COMPLAINT:**

Upon receipt of a complaint, the Offender Compliance Coordinator will log the complaint. All complaints received by the Offender Compliance Coordinator are to be reviewed to verify the issue is an act of discrimination. If the issue is deemed not to be of an affirmative action nature, it is to be returned to the complainant with a letter of explanation and/or referral. The Offender Compliance Coordinator will investigate the complaint and if necessary, will go to the facility and speak with the offender and staff. The investigation shall be completed within thirty (30) days of receipt of the complaint. A response will be written once the investigation is completed. A copy of the response is retained in Central Office; the original is mailed to the offender along with copies to relevant staff.

**XVIII. RECORD KEEPING:**

Affirmative Action records shall be maintained in a locked cabinet within the facility or office with restricted access for a period of no less than three (3) years, and the records are then archived for no less than four (4) years.

The facility Coordinator and the Affirmative Action Division shall be responsible for maintaining all records required in the performance of these procedures.

**XIX. DISCIPLINARY ACTIONS:**

Staff found to be in violation of the provisions of these procedures may be disciplined in accordance with the rules of the State Personnel Department. Violation of these provisions will be grounds for disciplinary action up to and including suspension and/or termination.

Staff persons who are disciplined for violation of these procedures may appeal the discipline in accordance with the State Personnel Department appeals procedures.

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XX. REPRISALS:

Staff shall not direct any form of reprisal toward any individual or other staff person who has filed an affirmative action or equal employment opportunity complaint pursuant to these procedures. Staff who attempt to direct any reprisal toward an individual or other staff person will be subject to disciplinary action in accordance with the rules of the State Personnel Department, up to and including suspension and/or termination.

XXI. FALSE REPORTING:

Providing false statements or information is in direct violation of Policy 04-03-103, "Information and Standards of Conduct for Departmental Staff." Any person involved in an investigation who knowingly or in a malicious manner submits false information shall be subject to appropriate sanctions, up to and including termination.

XXII. IMPEDING AN INVESTIGATION:

Staff persons who refuse to cooperate with an Affirmative Action investigation will be subject to appropriate disciplinary action up to and including suspension and/or termination.

XXIII. STATE OF INDIANA'S POLICY REGARDING SEXUAL HARASSMENT:

The Department shall abide by the State of Indiana Policy regarding sexual harassment as ordered by the Governor. Staff shall follow the procedures as indicated in the State's policy in cases of alleged sexual harassment, as presented in Appendix of these administrative procedures.

XXIV. AMERICANS WITH DISABILITIES ACT (ADA):

Employees are to be advised of two (2) very significant components of the Americans with Disabilities Act (ADA). The first is that being considered as a qualified individual with a disability is not automatic. You MUST meet the ADA criteria of a qualified individual with a disability.

The Americans with Disabilities Act defines "qualified individuals with disabilities" as individuals who have:

"physical or mental impairments that *substantially limits* one or more major life activities, has a record of such an impairment, or is regarded

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as having such an impairment...”.

Secondly, for any employee requesting consideration, reasonable accommodation is defined as:

“any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions”.

Any employee requesting reasonable accommodation is to submit a written request to the ADA Coordinator or Human Resources Officer. The employee will be provided with a Current Functional Capacity form, State Form #48610, and the essential physical and mental requirements of the position. The employee should present these two (2) documents to the Primary Care Provider for completion and signature. The forms are to be returned to the facility’s ADA Coordinator or Human Resources Officer within ten (10) working days.

Once the ADA Coordinator or Human Resources Officer has received the proper documentation, the request will be considered and approved on a case by case basis. All medical information will be kept confidential.

In situations where it is deemed in the best interest of the facility, the Facility Head may provide arrangements (not ADA accommodations) for temporary impairments resulting from injury, illness, or disease. Temporary assignments should not exceed a period in excess of ninety (90) days from the date the employee returns to work with restrictions which preclude the employee from performing all essential job requirements. Any consideration for an extension will require additional medical justification to be submitted prior to the end of the period of time granted for temporary assignment. If an employee is unable to return to full duty following the ninety (90) day temporary assignment and/or authorized extensions, the employee will be advised of the following options:

- A. Obtain employment in a position where he or she can perform the essential job duties;
- B. Present medical documentation substantiating eligibility for accommodation in accordance with ADA;
- C. Apply for State of Indiana disability program, FMLA;
- D. Apply for retirement, if eligible;
- E. Resignation; or

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Information regarding The Americans with Disabilities Act may be obtained through the ADA Coordinator, Personnel Officer or through the Affirmative Action Coordinator.

The Department of Correction is committed to achieving compliance with Americans with Disabilities Act (ADA). This will be done in conjunction with fulfilling the Department's mission, goals, and the responsibilities entrusted to it by the citizens of the State of Indiana.

All complaints alleging discrimination based on disability (ADA) may be initiated by utilizing the Affirmative Action complaint procedure as provided for employees and offenders without retribution or penalty for using said procedure.

All staff complaints alleging discrimination based on a disability should be brought to the attention of the facility's Affirmative Action/ADA Coordinator who will investigate the complaint to ensure a prompt resolution. All ADA complaints will in turn be forwarded to the Affirmative Action Regional Coordinators at Central Office.

All offender complaints alleging discrimination based on disability (ADA) should be brought to the attention of the facilities' AA/ADA Coordinator, who will then contact the Affirmative Action Offender Compliance Coordinator. The Offender Compliance Coordinator will then investigate the complaint to ensure a prompt resolution.

The use of the ADA complaint procedure does not limit the rights of the individual to seek redress through other legal channels. The ADA complaint procedure permits the Affirmative Action Division to quickly respond to problems as they are reported.

**XXV. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)/ INDIANA CIVIL RIGHTS COMMISSION (ICRC) CHARGES:**

The following steps are to be utilized when responding to or receiving notification of a discrimination charge filed against the facility:

- A. Contact the appropriate Regional Coordinator immediately of the discrimination charge.
- B. Receipt of a discrimination charge:



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1. Should a charge come to the facility, fax a copy to the Affirmative Action Section secretary.
  2. Should the charge come to Central Office, the appropriate Regional Coordinator will contact the facility Affirmative Action Coordinator or Human Resources Personnel to inform them of the allegations and a copy of the charge will be faxed to the facility. It is the responsibility of the Coordinator or Human Resources Personnel to make the Superintendent aware of the charge.
- C. Determine who will investigate the allegations.
- D. Complete the investigation in a timely manner EEOC – two weeks, ICRC – twenty (20) days.
- E. Forward two (2) copies of the position statement in its entirety to the appropriate Regional Coordinator. If a charge is cross-filed with both EEOC and ICRC, forward three (3) copies.
- F. The Regional Coordinator will review; Legal Services will review if applicable.
- G. The Regional Coordinator will forward one copy to EEOC and/or ICRC.
- H. The additional copy will be maintained in Central Office files.
- I. If needed, submit a letter requesting an extension to the appropriate regulatory agency, with a copy to Central Office.

When EEOC or ICRC suggests mediation, contact your Regional Coordinator immediately. There will be **NO** mediation without confirmation from your Regional Coordinator.

**XXVI. APPLICABILITY:**

These administrative procedures are applicable to all facilities and staff within the Department.

  
Evelyn I. Ridley-Turner  
Commissioner

\_\_\_\_\_  
4/20/04  
Date

## **Statement of Philosophy**

The O'Bannon Administration requires the State of Indiana (hereinafter "the State") to enforce a policy against sexual harassment in the workplace, and the Administration seeks to implement such policy in a consistent and vigorous manner.

Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Sexual harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated in Indiana state government. The State will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, officers or by outside clients or other non-employees who conduct business with the State. The State encourages reporting of all incidents of sexual harassment, regardless of who the offender might be or the offender's status.

### **Definition of Sexual Harassment**

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of conduct of a sexual nature include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts, or suggestive, insulting obscene comments or gestures; display in the workplace of sexual suggestive objects or pictures. This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

### **Individuals Covered Under the Policy**

This policy covers all employees under the control of the Governor and Lieutenant Governor of the State. Separately elected officials are encouraged to adopt this or a similar policy concerning sexual harassment.

## **Reporting a Complaint**

While the State encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the State also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

### **1. Notification of Appropriate Staff or Agency**

Individuals who believe they have been subjected to sexual harassment may report the incident and/or alleged harasser to the following persons who have been identified and trained to receive complaints of sexual harassment:

\*Division Director  
Employment Administration & AA/EEO and ADA  
State Personnel Department  
(317) 233-4687

\*Director  
State Personnel Department  
(317) 233-3777

\*Indiana Civil Rights Commission (ICRC)  
(317) 232-2600

\*Equal Employment Opportunity Commission (EEOC)  
(317) 226-7212, (800) 669-4000

An individual also may choose to report the complaint to his/her agency head, supervisor, or union representative. Upon receipt of such complaint, the agency head, supervisor or union representative shall immediately notify the division director of Affirmative Action/EEO and ADA, who, together with the appropriate agency head, shall have authority over the investigation and resolution of the complaint. Supervisors and union representatives shall have no independent authority to investigate or resolve such complaints, and may only proceed with the approval of the division director of Affirmative Action/EEO and ADA. An agency head, supervisor, or union representative who has not had special training in dealing with sexual harassment complaints should consult the division director of Affirmative Action/EEO and ADA or appropriate information and training.

## 2. Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, be signed and dated by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the State encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law, and the notes may have to be disclosed.

## 3. Time Frame for Reporting Complaints

The State encourages a prompt reporting of complaints so that rapid response and

appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual; no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the State from taking remedial action.

#### 4. Protection Against Retaliation

The State will not in any way retaliate against an individual who makes a report of sexual harassment nor permit any supervisor, officer or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

### INVESTIGATING THE COMPLAINT

#### 1. Confidentiality

Any allegation of sexual harassment that is formally reported will be promptly investigated in as discrete a manner possible to protect the privacy of persons involved. The State will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. In most instances, the alleged harasser must be notified of the nature of the complaint made against him/her and by whom.

#### 2. Identification of Investigators

Complaints will be investigated by the director of Affirmative Action/EEO and ADA and the appropriate agency head or their designees. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the director of Affirmative Action.

#### 3. Investigation Process

In pursuing the investigation, the investigator will take into consideration the wishes of the complainant, but must thoroughly investigate the matter as he/she sees fit, while keeping the complainant informed regarding the status of the investigation. Steps to be taken in the investigation include:

Confirm name and position of the complainant;

Identify the alleged harasser;

When first interviewing the complainant, remind him/her of the State's policy against retaliation for making a complaint of sexual harassment, and their right to file a complaint with either the Indiana Civil Rights Commission or the EEOC;

Thoroughly ascertain all facts that explain the allegation(s). Questions should be asked in a non-judgmental manner;

Determine frequency/type of alleged harassment and, if possible, dates and locations where alleged harassment occurred;

Find out if there were witnesses who observed the alleged harassment;

Ask the individual how he/she responded to the alleged harassment;

Determine whether the harassed individual consulted anyone else about the alleged harassment and take note of who else knows and their response to the disclosure;

Develop a thorough understanding of the professional relationship, degree of control and amount of interaction between the alleged harasser and complainant. (Does the person control compensation, terms of employment or promotions? Do these individuals work in close proximity to one another and/or on the same projects?);

Determine whether the alleged harasser has carried out any threats or promises directed at the complainant;

Does the complainant know of or suspect that there are other individuals who have been harassed by the alleged harasser?

Notify the alleged harasser of the investigation and the nature of the complaint made and by whom, and permit the alleged harasser to respond to the allegations; and

Conduct additional interviews of witnesses, and any necessary further investigation with due regard for discretion and minimizing disruption of the work environment.

## RESOLVING THE COMPLAINT

Upon completing the investigation of a sexual harassment complaint, the State will communicate its findings and intended actions to the complainant and the alleged harasser. The State's findings do not in any way affect the complainant's rights to pursue a sexual harassment complaint with any appropriate state or federal authority.

If the director of AA/EEO and ADA Division and the alleged harasser's agency head determine that harassment occurred, they will determine appropriate disciplinary action, as listed below, which will be implemented by the agency head. The complainant will be informed of the disciplinary action to be taken. If the harasser is an agency head, the director of AA/EEO and ADA Division will make a recommendation of appropriate disciplinary action to the Governor's Chief of Staff.

In determining whether alleged conduct constitutes sexual harassment, the director of the AA/EEO and ADA Division and the agency head will look at the investigative file as a whole and at the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case by case basis.

In the even the director of AA/EEO and ADA Division and the alleged harasser's agency head are unable to make a determination as to the validity of a complaint, based on the initial investigation, the director of AA/EEO and ADA Division will maintain a record of the complaint, separate from either party's personnel file.

### 1. Sanctions

Individuals found to have engaged in misconduct constituting sexual harassment will be severely disciplined, up to and including discharge. Appropriate disciplinary action will be determined by the director of Affirmative Action/EEO and ADA and the harasser's agency head. In taking disciplinary action, the agency head's response, at a minimum, will include reprimanding the offender and preparing a written record to be included in the harasser's personnel file. Additional action may include: referral to counseling, withholding of a promotion, reassignment, temporary suspension without pay or termination.

Although the State's ability to discipline a non-employee harasser is limited, any state employee who has been subjected to sexual harassment by a non-state employee should file a complaint so that action may be taken.

## 2. False Accusations

If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

## MAINTAINING A WRITTEN RECORD OF THE COMPLAINT

The State will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the office of the director of Affirmative Action/EEO and ADA, and if disciplinary action is taken, a record shall be maintained in the respondent's personnel file.